

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CRAIG STEPHEN WHITE,)	
)	Civil Action
Petitioner)	08-CV-02948
)	
vs.)	
)	
SUPERINTENDENT KENNETH CAMERON,)	
THE DISTRICT ATTORNEY OF THE)	
COUNTY OF CAMBRIA ¹ , and)	
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA)	
)	
Respondents)	

O R D E R

NOW, this 5th day of November, 2008, upon consideration of the Petition for Writ of Habeas Corpus filed July 17, 2008 by petitioner pro se; upon consideration of the Answer of the District Attorney of Chester County to Petition for Writ of Habeas Corpus, which response was filed August 25, 2008; upon consideration of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice filed October 6, 2008; it appearing that as of the date of this Order, petitioner has not

¹ The petition for writ of habeas corpus filed July 17, 2008 by Craig Stephen White names the District Attorney of the County of Cambria, Pennsylvania as a respondent in this matter. A review of the petition reveals that petitioner is challenging a judgment of conviction entered by the Court of Common Pleas of Chester County, Pennsylvania, and the petition makes no reference to Cambria County other than naming it as a respondent.

By my Order dated July 23, 2008, this case was referred to United States Magistrate Judge Timothy R. Rice for a report and recommendation. On July 25, 2008, Magistrate Judge Rice entered an Order directing the District Attorney of Chester County to respond to the petition. That response was filed August 25, 2008.

Accordingly, I consider the District Attorney of Chester County to be the proper county respondent in this action, not the District Attorney of Cambria County. However, by this Order I do not formally amend the caption of this case because no party has requested such amendment.

filed any objections to the Report and Recommendation of Magistrate Judge Rice; it further appearing after review of this matter that Magistrate Judge Rice's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Rice's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is denied with prejudice and without an evidentiary hearing.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this procedural ruling debatable, and because petitioner fails to demonstrate denial of a constitutional right, there is no probable cause to issue a certificate of appealability, and therefore a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge